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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,412	03/01/2002	Daniel Joseph Dove	100111298.1 (1964-11-3)	6219

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09/17/2003

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,412

Applicant(s)

DOVE ET AL.

Examiner

Davetta W. Goins

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Schweitzer, III et al. (US Pat. 5,680,324)

In reference to claims 1, 4, Schweitzer discloses a) the claimed controller operable to receive an activity level of a port from a processor associated with the port and to generate a signal that is related to the activity level, which is met by communications processor 34 in communication with a plurality of ports such as a computer 42 (col. 3, lines 23-35), and b) the claimed indicator device coupled to the controller and operable to indicate the activity level in response to the signal, which is met by activity LEDs giving an indication for each port 70, the LEDs are located on the front panel of communications processor 34 (col. 5, lines 16-22).

In reference to claim 2, Schweitzer discloses the claimed finite number of activity levels, which is met by a total of 17 ports, 16 rear panel ports and one front panel port associated with a group at 70 (col. 4, lines 61-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. in view of Melvin et al. (US Pat. 6,067,619).

In reference to claim 3, although Schweitzer does not specifically disclose the claimed indicator device indicates activity by flashing,, he does disclose activity LEDs giving an indication for each port 70, the LEDs are located on the front panel of communications processor 34 (col. 5, lines 16-22). Melvin discloses a computer networking device in which control panel 12 includes a plurality of connection ports 14 as well as a plurality of LEDs; the LEDs are operated sequentially for a predetermined period of time and will flash a confirmation of the activity of the ports (col. 2, lines 42-67; col. 4, lines 58-67; col. 5, lines 1-4). Since Schweitzer discloses LEDs used to indicate to the user the activity of the port(s) of a computer or other device, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of flashing LEDs, as disclosed by Melvin, with the system of Schweitzer, to ensure that the user is immediately aware of the activity level of the port.

5. Claims 5, 6, 8-11, 13, and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schweitzer in view of Liu et al. (US Pat. 5,936,442)

In reference to claims 5, 8-10, 13, 15-24, Schweitzer discloses a) the claimed controller operable to receive an activity level of a port from a processor associated with the port and to generate a signal that is related to the activity level, which is met communications processor 34 in communication with a plurality of ports such as a computer 42 (col. 3, lines 23-35), and b) the claimed indicator device coupled to the controller and operable to indicate the activity level in response to the signal, which is met by the LEDs are located on the front panel of communications processor 34 (col. 5, lines 16-22). Schweitzer does not specifically disclose the claimed signal comprising a series of separated pulses being a non-linear function of the activity level. Liu discloses a circuit for data communication devices, the system comprising a communication device with a plurality of ports 40, a signal detection circuit 22 detects the activity of each port and generates a pulse and provides the pulse to the corresponding latch circuit to assert an output signal (col. 5, lines 9-38). Since Schweitzer discloses a system capable of giving an indication of the activity level of various ports, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of providing a series of separated pulses being a non-linear function of the activity level, as disclosed by Liu, with the system of Schweitzer, to give an accurate response through the LEDs as to the operation of the activity level of each port.

In reference to claims 6, 11, Schweitzer discloses the claimed finite number of activity levels, which is met by a total of 17 ports, 16 rear panel ports and one front panel port associated with a group at 70 (col. 4, lines 61-67).

6. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schweitzer et al. in view of Liu et al. as applied to claim 5 above, and further in view of Melvin et al.

In reference to claims 7, 12, although Schweitzer does not specifically disclose the claimed indicator device indicates activity by flashing,, he does disclose activity LEDs giving an indication for each port 70, the LEDs are located on the front panel of communications processor 34 (col. 5, lines 16-22). Melvin discloses a computer networking device in which control panel 12 includes a plurality of connection ports 14 as well as a plurality of LEDs; the LEDs are operated sequentially for a predetermined period of time and will flash a confirmation of the activity of the ports (col. 2, lines 42-67; col. 4, lines 58-67; col. 5, lines 1-4). Since Schweitzer discloses LEDs used to indicate to the user the activity of the port(s) of a computer or other device, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of flashing LEDs, as disclosed by Melvin, with the system of Schweitzer, to ensure that the user is immediately aware of the activity level of the port

7. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761.

The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.


D.W.G.
September 11, 2003

Davetta W. Goins
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